

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rita Boppana,

Complainant,

vs.

Southern California Gas Company,

Defendant.

Case 00-05-010
(Filed May 11, 2000)

And Related Matters.

Case 00-05-011
(Filed May 11, 2000)
Case 00-05-012
(Filed May 11, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON EX PARTE COMMUNICATION**

On May 11, 2000, Rira Boppana, Christine Story, and Albert Jibilian each filed a complaint against Southern California Gas Company (SoCalGas) Case (C.) 00-05-010, C.00-05-011, and C.00-05-012, respectively. On September 8, 2002, the three complaints were consolidated. In summary, the complaints ask the California Public Utilities Commission (Commission) to investigate whether SoCalGas is operating its gas facility and storage fields in Playa del Rey in a manner that ensures the health and safety of the neighboring residents. The complaint was designated as an adjudicatory proceeding,

requiring hearings, and was assigned to Commissioner Loretta Lynch and Administrative Law Judge (ALJ) Carol Brown.

Pursuant to Rule 7(b) of the Commission's Rules of Practice and Procedure, ex parte communications are prohibited in adjudicatory matters. An adjudicatory matter is supposed to be decided solely on the basis of the record evidence. The primary reason for requiring only record evidence is fairness to the litigating parties. A participant must be able to know what evidence may be used against him, and to contest it through cross-examination and rebuttal evidence. Any communication, oral or written, that takes place in a proceeding, but "outside the record," is an ex parte contact.

On October 25, 2001, I received a letter from Durnford King, with an attachment purporting to be a letter he sent to state senator Bowen on Grassroots Coalition letterhead. Mr. King alleged in his letter that a SoCalGas pleading referenced his letter as "alarmist" and he wanted me to have a complete copy of his transmission to the senator so I could form my own opinion.

This communication from Mr. King to me is an ex parte communication. Although I only read the cover letter, and not the attachment, I still think it constitutes a technical ex parte communication. To cure this procedural defect, a copy of the letter is attached to this ruling and is being served on the service list for the consolidated complaints C.00-05-010, C.00-05-011, and C.00-05-012. Any party may file comments to Mr. King's letter, and any such comments are due by November 26, 2001. Mr. King's letter will be placed in the correspondence file for C.00-05-010, C.00-05-01, and C.00-05-012, as well as any comments that are received.

I remind all parties to these proceedings that these communications are prohibited and violations of the ex parte rules are subject to sanctions, as

prescribed by Pub. Util. Code § 1701.1 and the Commission's Rules of Practice and Procedures.

IT IS SO RULED.

Dated October 30, 2001, at San Francisco, California.

/s/ CAROL A. BROWN

Carol A. Brown
Administrative Law Judge

Attachment
Letter of Durnford King

Note: See CPUC Formal Files for Letter of Durnford King.

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling On Ex Parte Communication on all parties of record in this proceeding or their attorneys of record.

Dated October 30, 2001, at San Francisco, California.

/s/ JACQUELINE GORZUCH

Jacqueline Gorzuch

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.